

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

JULIAN TREVINO DE HOYOS,
Plaintiff,

v.

UNITED STATES OF AMERICA,
Defendant.

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Civil Action No. 2:19-CV-00027

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES JULIAN TREVINO DE HOYOS, hereinafter referred to as "Plaintiff",
complaining of and about the UNITED STATES OF AMERICA, hereinafter referred to as
"Defendant", and for cause of action would respectfully show onto the Court as follows:

A. Parties

1. Plaintiff, JULIAN TREVINO DE HOYOS, an individual, is a resident of Eagle
Pass, Maverick County, Texas.

2. Defendant, UNITED STATES OF AMERICA, may be served with process by
sending a certified copy of the summons and of this complaint by certified mail to each
of the following individuals:

- Mr. John F. Bash, United States Attorney for the Western District of Texas,
601 NW Loop 410, Suite 600, San Antonio, Texas 78216;
- Ms. Stephanie Rico, Civil Process Clerk, Office of the United States Attorney
for the Western District of Texas, 601 NW Loop 410, Suite 600, San Antonio,
Texas 78216; **and**
- Mr. William Barr, Attorney General of the United States, Department of
Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530.

SERVICE OF PROCESS ON THESE INDIVIDUALS IS REQUESTED AT THIS TIME.

B. Jurisdiction

3. The Court has jurisdiction over the lawsuit under 28 U.S.C. § 1346(b) because the suit involves a claim against the United States for property damage and personal injury caused by the negligent act of a government employee while acting within the scope of her employment.

C. Venue

4. Venue is proper in this district under 28 U.S.C. § 1402(b) because the acts or omissions complained of occurred in this district.

D. Conditions Precedent

5. Plaintiff timely presented this claim in writing to the UNITED STATES OF AMERICA through United States Customs and Border Protection (“USCBP”). This suit is filed within six months after USCBP’s final written notice of its denial of the claim.

E. Facts

6. On March 16, 2018, Plaintiff suffered personal injuries and property damage when he was involved in a collision with a motor vehicle owned by USCBP and driven by USCBP’s employee, SELENA SOSA.

7. On the date in question, Plaintiff was stopped in a parking lot for a business located at 2137 E. Garrison Street in Eagle Pass, Maverick County, Texas. SELENA SOSA entered the parking lot in a 2010 Ford Expedition and struck Plaintiff’s vehicle. At all times relevant hereto, SELENA SOSA was acting in the course and scope of her employment with USCBP.

F. Federal Tort Claims Act

8. SELENA SOSA was negligent at the time of the collision. SELENA SOSA was an employee of Defendant and was acting in the course and scope of her office or employment at the time of the collision made the basis of this lawsuit. SELENA SOSA had a duty to exercise ordinary care and operate the motor-driven equipment she was driving reasonably and prudently. SELENA SOSA breached this duty in the following ways:

- a. Failing to maintain a proper lookout.
- b. Failing to turn the vehicle she was operating.
- c. Failing to timely stop the vehicle she was operating.

9. Under the laws of the State of Texas, a private person would be liable to Plaintiff for this act. Under 28 U.S.C. § 2674, the UNITED STATES OF AMERICA is liable to Plaintiff for his damages resulting from the damage to property and personal injuries.

G. Damages

10. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered the following injuries and damages:

- a. Physical pain and mental anguish in the past and future.
- b. Physical impairment in the past and future.
- c. Mental anguish in the past and future.
- d. Reasonable medical expenses in the past and future.
- e. Loss of future earnings and future earning capacity.
- f. Loss of household services in the past and future.
- g. Property damage.

H. Prayer

11. For these reasons, Plaintiff asks that Defendant UNITED STATES OF AMERICA be cited to appear and that after trial, the Court award Plaintiff judgment against Defendant for the following:

- a. Actual damages.
- b. Prejudgment and postjudgment interest.
- c. Costs of suit.
- d. All other relief, in law or equity, the Court deems appropriate.

Respectfully submitted,

WATKINS & SHATTLES, P.L.L.C.
926 Chulie Drive
San Antonio, TX 78216
(210) 225-6666
(210) 225-2300 -facsimile

By: /s/ Charles Shattles
CHARLES SHATTLES
State Bar No. 24037479
chuck@wstriallaw.com
Lead Attorney for Service and Notice

and

LAW OFFICES OF MICHAEL MILLER, P.C.
926 Chulie Drive
San Antonio, TX 78216
(210) 225-6666
(210) 225-2300 – facsimile

By: /s/ Michael Miller
MICHAEL MILLER
State Bar No. 00788060
mmiller@michaelmillerlaw.com